

ACCESS TO JUSTICE UPDATE

VOLUME V ISSUE 2 JULY 2012

The Justice Action Group is a coalition of individuals and organizations established in 1995 to provide leadership and coordination in planning for the provision of civil legal aid to low-income and elderly Mainers.

INSIDE THIS ISSUE:

**THE KATAHDIN COUNSEL
RECOGNITION
PROGRAM** 2

**JUDICIAL BRANCH
ACCESS TO JUSTICE
UPDATE** 2

COLLABORATION UPDATE 3

**REFUGEE AND HUMAN
RIGHTS CLINIC** 3

**CAMPAIGN FOR JUSTICE
UPDATE** 4

WHITE HOUSE FORUM ON THE STATE OF CIVIL LEGAL ASSISTANCE



Justice Jon D. Levy and
Pine Tree Legal Assistance Director
Nan Heald, Esq.

Justice Jon D. Levy

On April 17th Nan Heald and I had the honor of attending the first White House Forum on the State of Civil Legal Assistance in America, co-sponsored by the White House and the Legal Service Corporation.

It was an inspiring event that included representatives from civil legal aid program across the country, academics, and members of the state and federal judiciary. The roster of featured speakers included Attorney General Eric Holder, Harold Koh, chief legal counsel to Secretary of State Hilary Rodham Clinton, former Attorney General Richard Thornburgh, and John Levi, Chair of the LSC Board.

The highlight of the program was the unannounced appearance of President Barak Obama. The President spoke of his long association with legal aid efforts both in Chicago and elsewhere, and about the nation's need to preserve civil legal aid, stating that it is "central to our notion of equal justice under the law." He pledged to be a "fierce defender and advocate" for legal services.

forum was the severe funding crisis facing legal aid programs and the effect that the crisis has had on the ability of state court systems to assure equal justice. As is true in Maine, there have been substantial cut backs in the number of lawyers and staff in legal aid programs across the country as a result of the reductions in LSC's budget and the steep decline of IOLTA revenues. Several speakers addressed the innovative ways in which various states have sought to maintain the delivery of civil legal aid in the face of massive budget cuts. LSC Board Chairman Levi said: "We simply cannot let our civil justice system collapse . . . [o]ur nation has promised equal justice for all."

Transcripts of the speeches, photographs, and videos of the panel presentations and the entire forum are available on-line at: <http://www.lsc.gov/media/in-the-spotlight/white-house-and-lsc-co-host-forum>

One of the central focuses of the

ACCESS TO JUSTICE DAY 2012: MARCH 13, 2012

SPECIAL POINTS OF INTEREST:

- Katahdin Counsel Reporting Deadline September 15, 2012
- JAG Board Meeting: September 19, 2012
- Celebrate Pro Bono October 21-27, 2012 with Katahdin Counsel Recognition Events

Carrie Wilshusen –
JAG Executive Coordinator

Access to Justice Day 2012 was deemed a success. For the fourth year in a row, the access to justice community came together to celebrate the day by educating Maine's lawmakers on the vital resource that is Maine's legal aid community and the impact those providers have on individual Mainers and the greater Maine community and economy.

JAG Chair, Justice Jon D. Levy and JAG Vice-Chair Federal Magistrate Judge John H. Rich III had the opportunity to address the Joint Standing Committee on the Judiciary.

In honor of the event, a Joint Resolution was issued by the Legislature noting the importance of access to justice initiatives and recognizing access to justice as a bedrock principal in a free constitutional society.



Hon. John H. Rich III
and Eric Stauffer, Esq.

A LETTER FROM THE CHIEF: KATAHDIN COUNSEL RECOGNITION PROGRAM

Chief Justice Saufley

Maine lawyers are national leaders in the level at which they donate both time and real dollars to assure equal access to civil justice. The Maine Supreme Judicial Court has launched the Katahdin Counsel Recognition Program to formally acknowledge the public service and generosity of Maine's lawyers who provide pro bono representation to those in need. The Katahdin Counsel Recognition Program will assure that Maine's people recognize the lawyers in their community who perform this critically important public service.

Participation in the Katahdin Counsel Recognition Program is completely voluntary. All that is needed to participate in the inaugural year of the program is to complete 50 or more pro bono hours between July 1, 2011,

and June 30, 2012. Reporting is easily accomplished by submitting a verification form that can be found at www.courts.maine.gov by mail or email; the reporting deadline for the 2012 program is September 15, 2012.

The Maine Supreme Judicial Court will sponsor various recognition events across Maine to coincide with National Pro Bono Week, October 21-27, 2012. The names of the lawyers who have qualified as Katahdin Counsel, along with their law firm affiliations, will be publicized through press releases, local events, and on the Judicial Branch website. Participating attorneys will receive a certificate from the SJC and a Katahdin Counsel pin, and may use the Katahdin Counsel logo on their printed materials.

A Commission of distinguished Maine attorneys, chaired by Ralph I. Lancaster, Jr., Esq., has helped us develop the program and oversee its implementation. Please visit the Katahdin Counsel Recognition Program website at www.courts.maine.gov, and contact our Access to Justice Coordinator, Hanna Sanders, Esq., with questions at katahdin@courts.maine.gov or (207) 822-0703. Now more than ever, pro bono efforts are critical to meet the needs of Mainers. Notwithstanding the efforts of Maine's nonprofit legal service providers, the unmet need for civil legal services has never been greater. I encourage your participation in the Katahdin Counsel Recognition Program this year and for many years to come, and I applaud your ongoing pro bono efforts on behalf of our great state.

JUDICIAL BRANCH ACCESS TO JUSTICE

Hanna Sanders, Esq.; Judicial Branch Access to Justice Coordinator

The Access to Justice Coordinator is tasked with three primary focus areas within the Judicial Branch: access for persons with Limited English Proficiency (LEP), access for persons with disabilities, and access for unrepresented litigants. In addition, the Access to Justice Coordinator staffs the Katahdin Counsel Recognition Program, which was recently designed by the Supreme Judicial Court to publicly recognize the work of Maine attorneys providing pro bono services to those in need.

During the past three months I have had the opportunity to assess the current policies and practices of the Judicial Branch with respect to the three access areas noted above, and I am excited both by the work that has already been done, and the prospects for improvement within the Judicial Branch. Of note, I was very pleased to find that Maine's LEP program stands as a model for other states that are in the process of establishing viable LEP programs. Although there is work to be done here in Maine, we have a very solid foundation from which to build and develop our LEP

program. Similarly, in the area of ADA compliance, the Judicial Branch has made great strides to ensure that court facilities are accessible to all, and will continue to update and make improvements to ensure the highest levels of accessibility.

I have outlined below a portion of the work that is currently underway for the Judicial Branch Access to Justice Division:

Collaborations

Development of "Debtor's Day in Court," a pilot Courthouse Assistance Project scheduled to begin in the Portland District Court in August 2012. Working in collaboration with the Volunteer Lawyers Project, Pine Tree Legal Assistance, and attorneys Becky Steel and Kelly McDonald, this project will provide limited representation to eligible defendants facing litigation from third party creditors in a small claims action. A similar PTLA program has been developed and is running successfully in Washington County. The goal is to engage attorneys in pro bono service to provide debtors with an understanding of their rights and responsibilities, provide representation as the case may warrant, and/or negotiate with creditors to set realistic payment plans.

Meetings with WomanCare (Bangor), Family Crises Services (Portland), the Violence Intervention Partnership, and Maine Pre-Trial Services to identify best practices and areas of concern regarding the Protection from Abuse process. An emergent issue within the domestic violence area is the potential conflict between male interpreters and female LEP litigants. The Judicial Branch will begin recruitment of female interpreters for target languages (Somali, Arabic, Khmer, and languages of the Sudan) in order to provide litigants with a choice of interpreters and to mitigate the effects of potential gender bias.

Conference of LEP Program Directors for the New England states in May 2012 (coordinated by the National Center for State Courts) to foster discussion of LEP program best practices and identify potential collaborations and grant opportunities to promote greater access through remote interpreting and resource sharing. This was an excellent opportunity to connect with our neighbors and discover the strengths of Maine's LEP program and prospective areas for improvement.

Internally, the Access to Justice Division will begin collaboration with the Judicial Branch's Service Call Center in June 2012 to identify the areas of greatest need for unrepresented litigants with respect to court forms and "self-help" materials. The Service Call Center is a pilot project (currently operating in Androscoggin and Oxford counties) designed to shift telephone inquiries from the local clerks' offices to a centralized location for immediate response. Using metrics generated by the Call Center, we will be able to prioritize and target the needs of callers, as we explore information delivery systems within the Judicial Branch to increase access to pro se resources and promote greater understanding of the legal process.



COLLABORATION UPDATE

Justice Andrew M. Mead

On Monday, June 18, 2012 the Collaboration on Innovation, Technology and Equal Access to Justice (the Collaboration) met to discuss the path forward. The meeting included a review, bullet-point style, of the initiatives and accomplishments that have occurred to date simply by using the Collaboration as a networking tool between organizations with complimentary needs and resources. In other words, the Collaboration served as a meeting point where individuals started dialogs that ultimately resulted in concrete results including a number of grant applications and approvals. In each instance, the prime movers credited the Collaboration with being the catalyst for the interaction and accomplishments.

The centerpiece of the meeting was an effort to come to grips with the fact that we simply are not going to obtain a full time statewide administrator to operate the "lawyers in libraries" pro-

gram that we envisioned. No organizations were able to provide financial or personnel resources to fill this position, even on a pilot basis. We discussed various approaches and settled upon one that I think will start the ball rolling in a very positive direction.

In brief: Our plan is to organize Law Day activities that will focus on public libraries. On that day, lawyers will be on hand in all public libraries across the state. They will be prepared to answer questions (in group settings or one-on-one) about the law generally, but will also be available to consult with folks with specific legal concerns. The lawyers will not be entering into actual attorney/client relationships, but will offer generalized advice and suggestions on how to obtain services and how to learn more about the participants' specific issues.

The event will be very well publicized. We will likely involve a professional marketing

consultant and we hope to saturate the media with notice about the event.

This will be the first step in creating a new paradigm where the public library will eventually be established as a starting place for unrepresented folks to go with legal questions. We will repeat the event and eventually expand the concept to include non-Law Day times. It is our hope that additional funding will become available as the concept grows and we build upon these first steps.

In retrospect, this seems like an excellent approach. When the Collaboration first got under way, it was my hope to create the organizational structure and immediately launch a "lawyers in libraries" program on a statewide basis. However, without the public perception of libraries being the "go-to" places beforehand, I realize this was certainly putting the cart before the horse. I suspect there would have been a lot of lawyers sitting in libraries with nothing to do. This incremental approach is clearly better.

For the next several weeks we will be seeking the support of our various organizations for the concept and reviewing materials from other states where similar Law Day activities have been undertaken. The full Collaboration group will meet in late July to discuss our progress. If all systems are "go," we will have the better part of a year to plan this and make it a great success. If any members of the JAG Board wish to attend the Collaboration meeting, we would be happy to welcome them.

NEW REFUGEE AND HUMAN RIGHTS CLINIC

Prof. Deirdre Smith, Director of the Cumberland Legal Aid Clinic of the University of Maine School of Law

The University of Maine School of Law announces the launch of a new Cumberland Legal Aid Clinic program: the Refugee and Human Rights Clinic. The RHRC will provide a challenging opportunity for law students to advocate on behalf of low-income immigrants in a broad range of cases and projects. This new clinical course is a collaboration between the Law School and the Immigrant Legal Advocacy Project, and it aims to address a critical gap in access to justice in Maine – providing direct legal representation to immigrants and refugees seeking political asylum and similar protections under federal law – while training future attorneys on how to best serve the legal needs of immigrants.

Clients will be referred to the new clinic by ILAP and will likely include, for example,

asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States, immigrant survivors of domestic violence, immigrant victims of certain crimes, and abandoned or abused children seeking legal status in the United States.

The RHRC will be developed and supervised by Visiting Libra Professor Anna Welch, who was Chair of the Immigration Department at Verrill Dana and most recently a clinical teaching fellow at Stanford Law School's Immigrants' Rights Clinic.

Under Prof. Welch's supervision, student attorneys will not only develop their substantive knowledge of immigration law and human rights laws and norms but they also build core legal skills relevant to the general practice of law. Students' clinical work will include interviewing clients and witnesses and preparing their testimony, working with interpreters and translators to ensure language access,



Prof. Anna Welch

conducting factual and legal investigation and marshaling of evidence, analyzing and presenting human rights documentation, developing case strategies, writing legal briefs, appearing in administrative hearings, and participating in human rights advocacy projects.

Along with regular work with Prof. Welch on the cases, students will also participate in a weekly one-hour seminar to discuss ongoing cases, ethical issues, lawyering skills, and substantive and practical aspects of immigration law.

We are on the web!

www.mbf.org/jag.html

JUSTICE ACTION GROUP

Justice Action Group Board of Directors:

Hon. Jon D. Levy, Chair ♦ Hon. John H. Rich III, Vice-Chair
Hon. Leigh I. Saufley ♦ Janis Cohen ♦ Martica Douglas
Charles F. Dingman ♦ Lori Londis-Dwyer ♦ Lauren Epstein
Kevin Gildart ♦ Sen. David Hastings ♦ Colleen Khoury
James Kilbreth ♦ Robert S. Lingley ♦ Dean Peter Pitegoff
Victoria Powers ♦ Rep. Charles Priest ♦ Debra Shaw
Eric Stauffer ♦ Anne-Marie Storey
Caroline Wilshusen, JAG Executive Coordinator

For more information please contact:

Caroline Wilshusen, Esq., Executive Coordinator
cwilshusen@mbf.org

The Justice Action Group is a coalition of individuals and organizations established in 1995 to provide leadership and coordination in planning for the provision of civil legal aid to low-income and elderly Mainers.

CAMPAIGN FOR JUSTICE UPDATE

*Cathy Coffman,
Campaign Director*

Campaign Chair Charlie Dingman of Preti Flaherty spoke about the importance of the Campaign for Justice and announced year-to-date results at the Summer Bar Meeting luncheon in Bar Harbor on June 22. Dingman announced that the campaign had raised \$244,094 and thus was 54% of the way towards its goal of \$450,000. He called the audience's attention to a handout that listed all

the firms who have made it a goal to become a 2012 Firm Leading for Justice. He noted that the campaign hoped to talk with many more firms about making a commitment to become a Firm Leading for Justice, and he invited audience members to call him or Campaign Coordinator Cathy Coffman to talk about the 2012 firm leadership recognitions. More details are at www.campaignforjustice.org

Dingman singled out Verrill Dana for being the first firm to reach and exceed its set 2012 goal. With only 79% of its members pledged, Verrill Dana had, as of June 22, already exceeded the

2012 firm recognition level for its size, and its members who had given by then had pledged, on an average, 49% more than they had given last year. Dingman noted that his firm, Preti Flaherty, was also running 45% over last year's pledges and was well on its way toward its 2012 goal having already passed what it raised in 2011. Dingman said that both of these promising initial results are the result of firm committees working to be more personal and having one-to-one conversations about the need.